

## **REMARKS**

### **1. Discussion of Amendments**

By way of the amendment instructions above, claims 1-12 and 20-25 directed to patentably distinct inventions non-elected for prosecution herein have been cancelled. Cancellation of such claims has however been effected without prejudice to the applicants' rights under 35 USC § 121.

Claim 13 has been so as to clarify the description of the linear ultra-high molar mass polyethylene referred to therein. Specifically, according to amended claim 13, the polyethylene is of a type which would show IV of 8-40 dl/g at 135°C when it is made into a solution in decalin to measure IV. Please see in this regard page 7, lines 32-34 of the originally filed specification. The yarn of claim 13 thus comprises n filaments made from a polyethylene of the type recited.

Claim 18 has also been amended for purposes of clarity. Specifically, claim 18 defines that the filaments are solution spun and that the filaments contain less than 150 ppm of the residual spinning solvent used in the solution spinning for making the filaments. The solvent is of a type having a boiling point at atmospheric conditions of less than 275°C. Please see in this regard, the ultimate paragraph on page 8 bridging page 9 and page 12, lines 7-12 of the originally filed specification.

Therefore, following entry of this amendment claims 13-19 will remain pending herein for consideration.

### **2. Response to 35 USC §112 Rejections**

The amendments made to claims 13 and 18 above are believed to render moot the Examiner's rejection advanced against claims 13-18 under 35 USC §112, second paragraph. Withdrawal of the same is requested.

### 3. Response to Art-Based Rejections

#### **Kavesh '359 (USP 6,448,359)**

The examiner rejects claims 13, 14 and 19 as anticipated by Kavesh '359 under 35 USC §102(b).

Kavesh '359 discloses a polyethylene yarn having a tenacity of at least about 35 g/d. In the examples of Kavesh '359, the highest tenacity obtained is 53 g/d.

The examiner calculates the tensile strength of claim 13 to be about 5.2GPa and then converts such tensile strength to **about 35g/d**. The applicant respectfully disagrees with this conversion.

In Kavesh '359, conversion from GPa to g/d is made in column 1, line 23, in which it is taught that 216 GPa is converted to 2524 g/d. Using the same conversion as is explicitly disclosed in Kavesh '359, 5.2GPa is calculated to be  $(5.2 \times 2524 / 216)$  **about 61g/d**.

Therefore, the polyethylene yarn of claim 13 clearly has a much higher tenacity as compared to the one disclosed in Kavesh '359. As a result, claims 13, 14 and 19 cannot be anticipated by Kavesh '359. Withdrawal of the rejection advanced under 35 USC §102(b) based on Kavesh '359 is therefore in order.

#### **Kavesh '137 (WO 01/73137) and Kavish '077 (CN 1,432,077)**

The examiner further cites WO 01/73137 and CN 1,432,077 to Kavesh, which are in the same patent family as Kavesh '359 (US 6,448,359). Thus, for the same reasons as expressed above, claims 13, 17 and 19 are not anticipated by either Kavish '137 or Kavish '077. Withdrawal of the rejection under 35 USC §§102(b) or 102(e) based on Kavish '137 and Kavish '077 is therefore in order.

**Kavesh '110 (USP 4,413,110)**

The examiner rejects claims 13, 17 and 19 as allegedly anticipated by Kavesh '110 under 35 USC §102(b). Kavesh '110 however discloses a polyethylene yarn having a tenacity of at least about 30g/d.

For the same reason as discussed above, Claims 13, 17 and 19 are not anticipated by Kavesh '110. Withdrawal of this rejection is therefore in order.

**Simmelink (US 6,916,533)**

The examiner rejects claims 13,14,15,16,17,18,19 as allegedly anticipated by Simmelink (US 6,916,533) under 35 USC §102(e). Simmelink however discloses a polyolefin yarn having a tensile strength of at least 26cN/dtex, which is converted to 29.5 g/d,

Thus, for the same reason as discussed above, claims 13,14,15,16,17,18,19 are not anticipated by Kavesh '110. Withdrawal of this rejection is therefore in order.

**4. Conclusion**

Every effort has been made to advance prosecution of this application to allowance. Therefore, in view of the amendments and remarks above, applicants suggest that all claims are in condition for allowance and Official Notice of the same is solicited.

Should any small matters remain outstanding, the Examiner is encouraged to telephone the Applicants' undersigned attorney so that the same may be resolved without the need for an additional written action and reply.

An early and favorable reply on the merits is awaited.

**SIMMELINK et al**  
**Serial No. 10/584,285**  
April 22, 2009

**5. Fee Authorization**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

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